

Reality Check: Sometimes There Are No Do-Overs
Today's Decisions Can Have Legal and Long-Term Consequences

In the interest of time, this exercise focuses on negligence. Unlike a real civil suit, it doesn't deal with monetary damages.

Scenario

On May 11, 2006, at approximately 1:30 a.m., four teens were traveling in a red 2006 Honda Accord heading southbound on Wells Gate National Parkway. Suddenly, the vehicle careened into the median and crashed into a light pole. The front-seat passenger, Sidney Young, who was visiting for the weekend from a nearby state, was the most seriously injured. Less severe injuries were suffered by the driver, Riley Gardner, and the other two teens. No other vehicles were involved. Sidney Young was taken to Conner County Medical Center for evaluation and treatment of serious injuries to his right lower leg and foot. He also suffered less severe injuries to the head, chest, and right arm and hand. According to Sidney Young and another passenger, the car's driver was text-messaging on his cell phone while driving.

Sidney Young's parents consulted a law firm, which agreed to file a personal injury lawsuit on their son's behalf at no cost to the Youngs. The complaint, filed in the United States District Court on January 17, 2007, asserted that negligence by Riley Gardner and his mother was the actual and proximate cause of the harm suffered by Plaintiff Sidney Young. The lawsuit alleged that Defendant Riley Gardner breached the duty of care owed to Plaintiff by failing to operate the motor vehicle in a reasonably prudent manner.

In the lawsuit, the Youngs also claimed that negligent supervision by Riley Gardner's mother was a substantial factor in causing the harm that Sidney Young suffered, since she had provided her son Riley with the use of the family's Honda Accord and a cell phone. She was aware that her son texted while driving and that this activity could create an unreasonable risk of harm to other persons. According to the complaint, she could have exercised reasonable precautions to prevent that risk of harm to other persons. The complaint requested judgment against Riley Gardner and his mother in the amount of \$X-Dollars.

On February 1, 2007, a copy of the complaint was served on the Gardner family as they were eating dinner at home. The next day, Riley Gardner's mother consulted a lawyer about what she should do. Afraid of the high risks of trying to defend against a federal lawsuit without legal assistance, Ms. Gardner decided to retain the lawyer for a non-refundable fee, plus expenses and an additional non-refundable fee if the case failed to settle before trial.

In their written response filed in court on February 23, 2007, Riley Gardner and his mother denied that they were in any way at fault in this case or liable to Sidney Young. They stated that, at all relevant times, Riley Gardner exercised reasonable care for Sidney Young and the other passengers. The response claimed that the alleged accident and any resulting injuries and damages sustained by Sidney Young resulted from independent, intervening, and/or superseding causes or acts, including the rainy weather, and slippery road conditions over which Riley Gardner had no control and for which he was not liable. Riley Gardner's mother denied responsibility for the harm suffered by Sidney Young, asserting that she had exercised reasonable care by advising her son on prior occasions about the dangers of texting while driving.